

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

TIGER LILY LLC, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOUSING AND URBAN
DEVELOPMENT, *et al.*,

Defendants.

Case No. 2:20-cv-2692-MSN-atc

**DEFENDANTS' CONSENT MOTION
FOR EXTENSION OF TIME**

Defendants respectfully request an extension of the time limitations set forth in Federal Rule of Civil Procedure 12(a)(2) to respond to the complaint filed in this action. Counsel for the parties have conferred pursuant to Local Rule 7.2(a)(1)(B), and Plaintiffs have indicated they consent to this request. In support of this motion, Defendants submit the following:

1. On September 16, 2020, Plaintiffs filed a complaint in the above-captioned matter. ECF No. 1. The complaint names as Defendants four United States agencies and six United States officers sued only in their official capacities. *See id.*

2. The United States Attorney for the Western District of Tennessee was served a copy of the summons and complaint on September 17, 2020. *See* ECF No. 9.

3. Federal government defendants have 60 days from service on the United States Attorney to respond to a complaint. Fed. R. Civ. P. 12(a)(2). Accordingly, Defendants' response to the complaint in this action is due no later than November 16, 2020.

4. Plaintiffs' suit raises constitutional and statutory challenges to an Order issued by Defendant Centers of Disease Control and Prevention (CDC) imposing a temporary eviction

moratorium to prevent the further spread of the respiratory disease COVID-19. *See generally* Am. Compl., ECF No. 21. Different plaintiffs have filed similar suits challenging the Order in multiple other federal district courts. *See Brown v. Azar*, No. 20-3702 (N.D. Ga.); *Terkel v. Ctrs. for Disease Control & Prevention*, No. 20-564 (E.D. Tex.); *Skynworks Ltd. v. Ctrs. for Disease Control & Prevention*, No. 20-2407 (N.D. Ohio); *see also KBW Inv. Proprs. v. Azar*, No. 20-1852 (S.D. Ohio) (federal defendants dismissed by stipulation after TRO denied).

5. Certain of the Defendants in this matter, represented by undersigned counsel, have an opposition to a motion for preliminary injunction and an opposition to a motion for injunction pending appeal due in two of these actions over the next two weeks. Specifically, Defendants' response to plaintiffs' motion for preliminary injunction in the *Skynworks* matter is due November 19, 2020. *See Skynworks*, Mot. for Prelim. Inj., ECF No. 12 (N.D. Ohio Nov. 2, 2020). Defendants' response to plaintiffs' motion for injunction pending appeal in the *Brown* matter is due November 23, 2020. *See Brown*, Pls.' Mot. for Inj. Pending Appeal, ECF No. 51 (N.D. Ga. Nov. 9, 2020).

6. In light of the above-described press of business, Defendants respectfully request a 14-day extension of their deadline to file a response to the complaint in this action, until November 30, 2020.

7. Counsel for the parties have conferred regarding this request, and Plaintiffs have indicated that they consent to it.

Dated: November 12, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

ERIC BECKENHAUER
Assistant Director, Federal Programs Branch

/s/ Leslie Cooper Vigen

LESLIE COOPER VIGEN

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify I served this document today by filing it using the Court's CM/ECF system, which will automatically notify all counsel of record.

Dated: November 12, 2020

/s/ Leslie Cooper Vigen

Trial Attorney